

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ROBERT W. LEVY
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ZBA 2012-29
Petition of Hui Perron
4 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of HUI PERRON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setback, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and first story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, at 4 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 20, 2012, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Frank Perron, who said that he was representing Hui Perron (the "Petitioner"). Also present were Jennifer Perron and John Staniunas, Architect. Mr. Perron submitted letters of support from the neighbors.

Mr. Perron said that he spoke with the neighbors and showed them the plans. He said that the neighbors were supportive of the project.

The Board said that in 2003 the previous owner was granted a Special Permit to put on an addition at the rear, similar to the current petition. Mr. Perron said that it is basically the same plan but expanded. The Board asked if the neighbor on the right was aware of the plan to build on the second floor. Mr. Perron said that the neighbor did see the plan and was very supportive because she considers that to be a sound block from Route 9.

The Board said that it was concerned about the second story addition 10 feet from the side lot line. The Board said that would be adding a lot of mass and bulk on the side.

Mr. Staniunas said that the previously approved plan did contain the second story addition with the ten foot setback. He said that the plan is to expand toward the front to provide an extra bedroom.

Mr. Perron said that the goal is to accommodate their growing family.

The Board said that there is a small offset that allows the corner board to come down to break up the elevation. The Board said that the roof is slightly lower than the main gable.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Martin Road, on an 8,650 square foot corner lot with a minimum front yard setback of 27.5 feet from Worcester Street and a minimum side yard setback of 10 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setback, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and first story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/12/12, stamped by Peter M. Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 2/20/12, prepared by John Staniunas, and photographs were submitted.

On April 4, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setbacks, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and first story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setback, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and first story with less than required side yard setbacks, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



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ZBA 2012-29 - Extension
 Petition of Hui Perron
 4 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of HUI JING PERRON requesting extension of a Special Permit/Finding, ZBA 2012-29, that was granted on April 19, 2012, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setbacks, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and one story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, at 4 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 16, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Hui Jing and Frank Perron, the Petitioner. Mr. Perron said that they have an existing special permit. He said that the request is to extend it while they continue to search for a builder and move forward with their personal plans. He said that there are no changes to the special permit.

The Board discussed the expiration date of the decision. Mr. Perron said that they relied on the Permit Extension Act from the State. The Board confirmed that the special permit will expire in April, 2016.

Mr. Perron said that financially they were not able to move forward in a timely manner. He said that they now feel that they can. A Board member asked how long an extension the Petitioner would be requesting. Mr. Perron said that he assumed that it would be a year or two. The Board member asked if the Perrons are ready to go. Mr. Perron said that they have interviewed a couple of builders and have some prices. He said that they anticipate doing the project in the fall.

The Board discussed the length of the extension of the special permit.

Mr. Perron said that neighbors had submitted letters in favor of the project with the original request.

The Board said that it is a difficult lot.

A Board member said that the Board does not have to reopen the special permit. He said that it was filed and was not appealed. He said that it is a valid permit. He said that there is a reason for a temporal limitation. He said that a year is reasonable.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Martin Road, on an 8,650 square foot corner lot with a minimum front yard setback of 27.5 feet from Worcester Street and a minimum side yard setback of 10 feet.

The Petitioner is requesting extension of a Special Permit/Finding, ZBA 2012-29, that was granted on April 19, 2012, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setbacks, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and one story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, at 4 MARTIN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/12/12, stamped by Peter M. Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 2/20/12, prepared by John Staniunas, and photographs were submitted.

On February 23, 2016, the Planning Board reviewed the petition and recommended that the Board defer action.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that extension of a Special Permit/Finding, ZBA 2012-29, that was granted on April 19, 2012, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, although construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setbacks, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and one story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection

District and a Single Residence District in which the minimum lot size is 10,000 square feet, is increasing a nonconformity.

Therefore, a extension of Special Permit, ZBA 2012-29, that was granted on April 19, 2012, is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 7.5 foot by 8 foot two-story addition with less than required front yard setbacks, construction of a 14 foot by 19.5 foot two-story addition with less than required front and side yard setbacks, and construction of a 10 foot by 25 foot second-story addition over an existing garage and one story with less than required side yard setbacks, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,650 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the previously approved plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, extension of this Special Permit shall expire one year after the date time stamped on this decision.

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ZBA 2012-29 - Extension
Petition of Hui Jing Perron
4 Martin Road

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2016 MAR 17 P 2:51

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm